

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PAUL HUPP,) Case No. ED CV 11-774-VAP (SP)

Plaintiff,

V.

CITY OF BEAUMONT, et al.,

Defendant(s).

Case No. ED CV 11-774-VAP (SP)

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which plaintiff has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that defendants' motion to dismiss be granted in part and denied in part as follows: (1) defendants' motion to dismiss the perjury claim is granted without leave to amend; (2) defendants' motion to dismiss is granted as to the intentional infliction of emotional distress claim against defendant City, the negligence in hiring claim, and the declaratory and injunctive relief claim,

1 all with leave to amend; and (3) defendants' motion to dismiss the negligence in
2 training and supervision claims is denied without prejudice.

3 Plaintiff must file any amended complaint by no later than **February 10,**
4 **2012.**

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7 DATED: January 10, 2012_____

Virginia A. Phillips

HONORABLE VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE

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